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February 6, 2013

Sent via fax: 267-299-5069

The Honorable Paul S. Diamond
U.S. District Court, Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106

Re: **Celek v. Allianz Life Insurance Company, et al.**
Civil No.: 2:12-cv-01735-PD

Dear Judge Diamond:

Please be advised that the above matter has settled with respect to Defendants ALLIANZ and GAMEPLAN, only. We are in the process of drafting the release and will promptly advise the Court once the release and Stipulation of Dismissal are executed. Consequenttly, the pending motion to dismiss is now moot.

Notwithstanding the settlement with the above defendants, Plaintiff is currently drafting a Motion to Reopen as to Defendant James Lindell with an accompanying Motion for Alternative Service. As will be more fully explained in the motion paperwork, Defendant Lindell has purposefully evaded service on at least 6 occasions at 3 separate addresses. These addresses have been confirmed through real estate registry, the Florida Department of State, the Pennsylvania Insurance Department and through a private investigator. As a result, I would ask that the Court not enter an Order closing this matter for ten (10) days so that these pleadings can be filed.

Thank you for your time and attention in this regard. Should Your Honor have any questions please feel free to contact my office at (215) 564-5291.

Respectfully submitted,

Andrew Smith, Esquire

Cc: Raul Cuervo, Esquire